

**Hon Erica Stanford Lead Coordination Minister for the Government's  
Response to the Royal Commission's Report into Historical Abuse in State  
Care and in the Care of Faith-based institutions**

**Access to Redress for Survivors of Abuse in State Care with Convictions for  
Serious Violent and Sexual Offending**

Date of Issue: 27 June 2025

The following documents are proactively released:

1. Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending
2. Appendix Two – Options for redress payments to offenders including associated costs and implications
3. Appendix Three – List of qualifying offences under Schedule 1AB of the Sentencing (Reinstating Three Strikes) Amendment Act 2024
4. CAB – 25 – MIN 0145 - Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending

**Summary of redactions:**

- Section 9(2)(f)(iv) to enable the confidentiality of advice tendered by Ministers of the Crown and officials:
- Section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.
- Section 9(2)(h) to maintain legal professional privilege

Office of the Lead Coordination Minister for the Government's Response to the  
Royal Commission's Report into Historical Abuse in State Care and in the Care of  
Faith-based Institutions

Cabinet

**ACCESS TO REDRESS FOR SURVIVORS OF ABUSE IN STATE CARE WITH  
CONVICTIONS FOR SERIOUS VIOLENT AND SEXUAL OFFENDING**

**Proposal**

- 1 This paper seeks Cabinet direction on access to redress for survivors of abuse in State care who are also serious offenders.

**Relation to government priorities**

- 2 This paper relates to the response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission).

**Executive Summary**

- 3 In April 2025, Cabinet made decisions on enhancing the current redress system for survivors of abuse in State care. These included increasing average redress payments, providing for "top-ups" of previous settlements, and changes to ensure consistency across redress agencies [CAB-25-MIN-0101 refers]. Detailed implementation decisions were delegated to the Lead Coordination Minister, Minister of Health, and Minister for Social Development, in consultation with other relevant Ministers.
- 4 Delegated Ministers, in consultation with the Minister of Justice, Attorney-General, and Minister for Māori Development and Māori Crown Relations, have decided that Cabinet direction is required on access to redress for some offenders.
- 5 Currently, criminal offending is not a factor in eligibility for redress for abuse in State care. As a result, redress agencies do not collect any information relating to criminal offending by survivors of abuse in State care or perform any criminal checks on claimants. When this matter was last considered in 2017, the Ministry of Social Development, the Department of Corrections, and the Ministry of Education informally estimated 60-70 claimants met the definition of serious offenders.
- 6 This paper sets out two options for consideration:
  - 6.1 Option One: An amended status quo which would enable all survivors of abuse in State care to continue to receive financial redress but offenders with any outstanding Court-order reparation payments owed deducted and paid to their victims.

- 6.2 Option Two: Future claims lodged by survivors of abuse in State care who have been convicted of serious violent and/or sexual crimes and sentenced to five or more years in prison are presumed not to be eligible for redress, with claimants seeking to have the presumption overturned being referred to an independent decision maker.
- 7 Option One has the lowest operational costs and legal risk. It also has less impact on claimants who do not have a criminal record. Option Two would require trade-offs with Cabinet's intention to make the current redress system more efficient and streamlined, and reducing the backlogs that result in some survivors waiting up to 4-5 years for their claims to be completed. It also sits in tension with the objectives for redress that Cabinet previously agreed (see paragraph 9). Further details on these options are set out in Appendix Two.
- 8 [Legally privileged] 9(2)(h) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## Background

- 9 In June 2024, Cabinet agreed to the following redress objectives for survivors of abuse in state care [CBC-24-MIN-0050 refers]:
- 9.1 delivers accountability for survivors, including apologies and financial payments, where applicable, that serve to acknowledge the harm survivors experienced and further obligations to prevent future abuse in care;
- 9.2 supports improved outcomes for survivors – which could, depending on a survivor's circumstances and preference, encompass improved quality of life, and the ability to more fully participate in all aspects of community, social, cultural, and economic life;
- 9.3 manages affordability, risks, and liability, including avoiding significant unintended consequences, and helping to ensure the sustainability of redress for as long as it is needed; and
- 9.4 contributes to reducing the negative social, cultural, and economic costs arising from the poor outcomes experienced by survivors as a result of the injury and trauma caused by abuse.

- 10 In April 2025, Cabinet made decisions on enhancing the current redress system for survivors of abuse in State care. These included increasing average redress payments, providing “top-ups” of previous settlements, and changes to ensure consistency across redress agencies [CAB-25-MIN-0101 refers]. Detailed implementation decisions were delegated to the Lead Co-ordination Minister, the Minister of Health, and Minister for Social Development, in consultation with other relevant Ministers.
- 11 The Royal Commission recommended that redress should be open to all survivors, including those in prison or with a criminal record (redress recommendation 18). Throughout its reports, the Royal Commission pointed to the high correlation between abuse in care and subsequent high rates of criminal behaviour, imprisonment, and the membership of gangs. It recommended that this context be considered in the design of any new redress system. Further details on Royal Commission findings and recommendations on this matter are provided as Appendix One.

*Prior consideration of serious offenders and redress for abuse in State care*

- 12 For the last 20 years State claims practices have treated all claimants equally and provided redress payments for abuse in care based on the merits of the claim. This approach allows for claims against the Crown to be resolved and any agreed settlement sum paid out immediately. Claimants receive and have free use of any redress payments.
- 13 The issue of whether survivors of abuse in State care who have committed serious offences and sentenced to long prison terms should receive redress has been considered at different points between 2011 and 2017, but no changes have ever been implemented<sup>1</sup>. In previous advice agencies have noted a wide range of risks, including fiscal, human rights, operational, and reputational implications.
- 14 When the issue was last under consideration in 2017, the Ministry of Social Development, the Department of Corrections, and the Ministry of Education informally identified 60-70 claimants who met the definition of serious offenders. Work did not continue following a change of Government.
- 15 Officials advise that it is difficult to estimate the proportion of claimants for redress for abuse in State care who are serious offenders but consider 5% a reasonable estimate, based on the work done in 2017 and the experience in Australia and Scotland (paragraphs 18 – 21).
- 16 Making substantial payments to serious offenders for abuse in State care would be regarded as repugnant by some New Zealanders. However, others

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<sup>1</sup> The only comparison is the Prisoners' and Victims' Claims Act 2005 that was enacted to address the broader concern of payments by the Crown to serious offenders. This was a response to the awarding of substantial amounts of compensation to a group of serious offenders who were subject to a behaviour management regime that the Supreme Court found was unlawful<sup>1</sup>. The Act restricts the circumstances in which an award of compensation can be made to prisoners in respect of their imprisonment and provides a process that enables victims to advance claims against any award of compensation. However, this legislation has no application to redress payments for abuse in care.

would view the time served in prison as their punishment and consider that denying access to redress an additional penalty, with the State, once again, abdicating responsibility and accountability to victims of abuse in State care.

- 17 To deny compensation to persons whose rights have been breached would be inconsistent with the New Zealand Bill of Rights Act 1990 (BORA) and with New Zealand's international obligations under the International Covenant on Civil and Political Rights (ICCPR), if it deprives them of an effective remedy for a breach of their rights.

#### *Regimes operated by other jurisdictions*

- 18 In Scotland, a redress panel has the ability to decline to award redress to certain categories of offenders if the panel considers awarding redress is 'contrary to the public interest.' The panel approaches this decision from a position of neutrality.
- 19 In determining whether the payment is in the public interest, the panel is required to consider a number of factors, including the nature of the offence, the sentence, the length of time since the offence took place, any rehabilitative activities undertaken by the offender, and any other matter the panel considers to be relevant. The category of offenders caught by the Scottish scheme includes persons convicted of murder, rape, and sexual offending punishable by more than five years imprisonment. Officials understand that, to date, no offenders have been excluded from the scheme on the ground that the payment is contrary to the public interest.
- 20 In Australia, applicants with serious criminal convictions must apply through a special assessment process. The Australian approach presumes that serious offenders are excluded from redress unless the decision-maker is satisfied that 'providing redress would not bring the scheme into disrepute'. The decision-maker is equivalent to the Chief Executive of the Redress Scheme, and advice on the claimant is prepared by government officials. The available public information suggests that the majority of offenders do not meet this threshold and only a very small number of offenders have been excluded from receiving redress.
- 21 Unlike New Zealand, which now has 20 years of precedent of paying redress to serious offenders, the Australian and Scottish models implemented their approach from the start of their redress systems and so did not already have existing precedents.

#### **Possible change in approach to redress payments**

##### *Option One*

- 22 The first option is an amended status quo that would allow offenders lodging new claims to continue to access redress but which would provide that any outstanding court-ordered reparations owed to victims of their offending be deducted from redress payments and paid to those victims. This option seeks to address potential public concerns that offenders should be required to

discharge their responsibilities to make court-ordered reparations to victims of their offending when they receive redress.

- 23 This option does not require legislative change and would have the lowest legal risks, operational impact and cost. It would also have the least impact on the majority of the survivors claiming redress who have not offended.

#### *Option Two*

- 24 The second option entails the introduction of a presumption, based on the Australian model, that survivors of abuse in State care who are serious offenders are not entitled to redress. An independent decision-maker would be appointed to consider applications from claimants to overturn that presumption. In order for the redress payment to be made the independent decision maker would be required to determine that the payment would not bring the redress system into disrepute. The presumption would apply to all new claims from date of announcement.

- 25 This option would only apply to redress payments. Serious offenders would still be able to access a supportive environment to share their experiences, receive acknowledgements and apologies, and access support services offered by claims agencies.

- 26 9(2)(f)(iv)

- 27 The second option is in tension with our aspiration for a more effective, streamlined, and survivor-focussed redress system. It adversely impacts on the estimated 95% of claimants who do not have a record of serious criminal offending. Operational, cost, timeliness and legal implications are set out in more detail in paragraphs 40 – 50.

- 28 There is also the risk that while the intention of Option Two is to maintain public trust and confidence in the redress system, it may be perceived as unfairly imposing a further punishment on offenders who have already been held to account for their offending, and whose experiences of abuse in care may be worse than and linked to their offending. It is also at odds with our objective that the Crown be held to account for the harm survivors experienced in State care.

#### **If Cabinet decides on Option Two, further decisions are required**

##### *Purpose and overall design*

- 29 The purpose of an independent decision-maker model would be to avoid bringing the redress system into disrepute by restricting the use of public funding in relation to making redress payments to people who have been convicted of serious criminal offences.

- 30 If Cabinet agrees to Option Two, further detailed advice will be provided on the specific factors to be taken into account by the independent decision-maker, but this will include the nature of the offending, the experiences of abuse in care, the sentence, the length of time since the offence/s took place, and any rehabilitative activities undertaken by the offender. Additional policy decisions required for the supporting legislation will also be brought to Cabinet.

#### *Offenders captured*

- 31 It is proposed that the survivors of abuse in state care who fall within the scope of the regime are offenders who have convictions for serious sexual, violent, and/or terrorism-related offences and who have been sentenced to a period of imprisonment for five years or more. This sentence length is recommended because offence type is a relatively blunt instrument for assessing the seriousness of offending as offences can capture a range of conduct of varying levels of culpability. This is consistent with Australia and Scotland. Qualifying offences would be those subject to the three strikes regime. A list of these offences is found in Appendix Three.

#### *Independent decision-maker*

- 32 It is proposed that an independent decision-maker who is external of redress agencies be appointed to exercise the discretion. Currently, redress decisions are made by departmental officials within the four redress agencies. However, having exclusions from the regime determined by departmental officials would be likely to undermine public confidence in the regime because these decisions would not be seen as being independent.
- 33 The independent decision-maker (likely a King's Counsel or retired Judge) would be considered by the Cabinet Appointments and Honours Committee.

#### *Information sharing*

- 34 The Ministry of Justice is responsible for maintaining records of criminal offending and conducts criminal record checks on behalf of individuals by request. A criminal record is considered personal information. The Privacy Act 2020 prevents the sharing of this information between government agencies, unless the person who is the subject of that information gives their consent.

- 35 9(2)(f)(iv)

- 36 There are a range of legal and operational complexities that would need to be worked through with all options to provide a supportive service to the approximately 95% of claimants who are not serious sexual and/or violent offenders, to maintain the integrity of the redress system, minimise privacy impacts, and manage costs and operational impacts.



- 37 As the regime would require obtaining sensitive Courts and claims information, it is likely to attract interest and potential criticism by the Privacy Commissioner.

#### *Redress processes and offerings in scope*

- 38 Any change in approach will apply to redress provided by the Ministries of Social Development, Education, Health, Oranga Tamariki, Te Puni Kōkiri, and the Department of Corrections.
- 39 The Lake Alice Psychiatric Hospital Child and Adolescent Unit Torture Redress Scheme would be excluded from the scope of any change in approach. The Lake Alice Torture Redress scheme is a discrete scheme which was established in recognition of the specific nature of torture and the specific international obligations that apply in this context. I also propose that should, in the future, a Government make any additional acknowledgements of torture, that this also be excluded.

### **Legal, operational, and timeliness implications of Option Two**

#### *Operational*

- 40 As redress agencies do not currently collect any information relating to criminal offending and have no legal authority to undertake criminal vetting checks, there would be significant changes to how the redress system processes claims. Agencies would be required to seek and receive consent to perform criminal checks for all claimants, unless legislation provides otherwise.
- 41 The results of criminal checks would then have to be manually reviewed for each claim to identify whether the claimant had been convicted of a particular offence. If a specified offence was identified then further information would need to be sought on the length of sentence received. If they had, then the claim would have to be separately held until the legislation is enacted and the independent decision-making process established.
- 42 Cabinet must weigh up this additional time and cost required to identify approximately 5% of survivors of abuse in state care who are also serious offenders with its desire to have a fast and effective process resolving more claims every year.

#### *Costs*

- 43 Costs will depend on further policy and detailed design and implementation decisions, but will include criminal checking costs, costs of the independent decision maker and some operational costs for redress agencies. This is set out in more detail in the section on financial implications.

#### *Legal matters*



44 [Legally privileged] 9(2)(h)

45 9(2)(h) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

46 The Legislation Design and Advisory Committee (LDAC) notes that legislation should have a prospective and not retrospective effect. Applying legislation (when passed) to applications that are already in train involves a degree of retrospectivity and may result in criticism that the legislation breaches the LDAC guidelines. It may also be perceived to be unfair because it applies new rules about the way an application should be dealt with that did not apply at the time the application was filed as the supporting legislation will not have been passed.

47 As Option Two would apply to claims lodged following the announcement of the changes to the redress system but before the enactment of legislation there is some degree of retrospectivity associated with the option.

48 9(2)(f)(iv)

[illegible]

50 9(2)(f)(iv)

## Other option considered

- 51 An option that would apply the presumption set out in Option Two not only to new claims but also to the 4,000 existing claims and to applications for top-up payments (potentially up to 4,800) was also considered but is not recommended. This would require legislation with retrospectivity of up to 20 years, impose significant costs, slow down agencies' ability to process top-ups and existing claims, and have a significant detrimental impact on the approximately 95% of survivors of abuse in care claimants who are not serious offenders. It would also attract significant and sustained criticism from the legal fraternity, survivors, survivor advocates, and others.

## Implementation approach

- 52 The Crown Response Office will work with redress agencies to understand the detailed operational costs and implications of any Cabinet decision. This will include the nature of the interim arrangements that will be required between the date of announcements and the date the policy is enacted through legislation for claims agencies that do not currently have a claims back log.
- 53 Work will also be needed on how best to communicate the implications of these decisions to claimants and how to mitigate potential confusion, distrust and distress associated with any changes, including additional information gathering and verification processes.

## Financial Implications

- 54 If Option Two is chosen, I will report back with detailed information on implementation and operational implications and costs. 9(2)(f)(iv)

There will also be operational costs for redress agencies associated with increased processing requirements.

## Legislative Implications

- 55 If Cabinet decides to progress Option Two this would result in the introduction of a new Bill. The proposed Bill will bind the Crown.

## Impact Analysis

### Regulatory Impact Statement

- 56 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social or environmental impacts are limited and easy to assess.

- 57 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

### **Treaty of Waitangi implications**

- 58 It is anticipated that the proposal will disproportionately impact Māori, given the clearly documented link between abuse in care to later offending, including violent and sexual offending, and over-representation of Māori in care and the criminal justice system for convictions and sentencing.

9(2)(f)(iv) and 9(2)(g)(i)

### **Population Implications**

- 59 Māori and Pacific Peoples, and disabled people, particularly people with intellectual/learning and neuro-development disability such as fetal alcohol spectrum disorder are over-represented as survivors of abuse in care and among serious offenders. The impact of Option Two will fall disproportionately on those populations.

### **Human Rights**

- 60 9(2)(h)
- 61 The Royal Commission also made recommendations to implement the Crown's response consistent with national and international human rights obligations. The Crown Response Plan due to be considered on 7 May has the Crown accepting the intent of these recommendations. 9(2)(h)

### **Use of external Resources**

- 62 No external resources have been used in preparing the advice in this paper.

### **Consultation**

- 63 This paper was developed by the Crown Response Office. Initial proposals were consulted with ACC, Archives New Zealand, Crown Law Office, Department of Corrections, Inland Revenue Department, Ministry for Pacific Peoples, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, Ministry for Women, New Zealand Police, Oranga Tamariki, Public Service Commission, Te Puni Kōkiri, and Whaikaha – Ministry of

Disabled People were consulted. As proposals developed, the Ministry of Health, Ministry of Social Development, Ministry of Education, Oranga Tamariki, Department of Corrections, Te Puni Kōkiri, and Ministry of Justice were consulted on options. The Department of the Prime Minister and Cabinet and the Treasury have remained informed.

## Communications

- 64 Pending Cabinet decisions, I intend to announce decisions on the options in this paper as part of wider pre-Budget Crown Response announcement that is currently scheduled for 9 May.

## Proactive Release

- 65 This paper will be proactively published on the Crown Response Office's website with appropriate withholdings under the Official Information Act 1982.

## Recommendations

I recommend that the Committee:

- 1 **note** on 7 April 2025, Cabinet agreed an approach and parameters for delivering enhanced redress to survivors of abuse in care [SOU-25-MIN-0039];
- 2 **note** that detailed implementation decisions were delegated to the Lead Coordination Minister, Minister of Health, and Minister for Social Development, in consultation with other relevant Ministers.
- 3 **note** that Delegated Ministers, in consultation with the Minister of Justice, Attorney-General, and the Minister for Māori Development and Māori Crown Relations, agreed that Cabinet direction is required on access to redress for some offenders;
- 4 **agree** to:  
**EITHER**  
4.1 amend existing agency redress schemes to enable any outstanding Court-order reparation payments owed by any new claimants to be deducted from redress payments and paid to their victims (Option One);  
**OR**  
4.2 introduce a presumption against making redress payments to new claimants who:
  - 4.2.1 make a claim for redress following redress announcements; and
  - 4.2.2 have been convicted of a qualifying offence under Schedule 1AB of the Sentencing (Reinstating Three Strikes) Amendment Act 2024; and

4.2.3 were sentenced to five years or more in prison for that offence.

If Cabinet agrees to recommendation 4.1, then

- 5 **note** officials will report detailed design and implementation proposals and associated costs to the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions and the Ministers of Health, Education, and Social Development by 30 June 2025;

If Cabinet agrees to recommendation 4.2 then

- 6 **agree** the presumption against redress payments for serious offenders could only be overturned in circumstances where the making of a payment would not bring the redress system into disrepute;
- 7 **agree** the new regime would apply to serious sexual and/or violent offenders seeking redress from the Ministries of Education, Health and Social Development, Oranga Tamariki, the Department of Corrections and Te Puni Kōkiri;
- 8 **agree** the discretionary authority to award redress to serious offenders will be an independent decision-maker external to redress agencies;
- 9 **9(2)(f)(iv)**
- 10 **invite** the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions to issue drafting instructions giving effect to the decisions set out in this paper in relation to Option Two;
- 11 **authorise** the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions, in consultation with the Ministers of Health, Education, and Social Development, to make decisions consistent with the policy in this paper;
- 12 **note** the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions will seek Cabinet decisions on the following outstanding matters in June 2025:
- 12.1 the nature of the legal test to be applied as part of the exercise of the discretion;
  - 12.2 the information gathering and verification arrangements necessary to support the operation of the regime;
  - 12.3 the roles and responsibilities of the independent decision-maker; and
  - 12.4 any other policy decisions needed;

- 13 **agree** to assign the Bill an overall category 4 priority in the Government's 2025 Legislative Programme: to be passed by the end of 2025, if possible.

Authorised for lodgement

Hon Erica Stanford

Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions

Proactive release - open and transparent Government

## Appendix One – Further detail on Royal Commission findings and recommendations in relation to the relationship between abuse in care and subsequent criminal behaviour and imprisonment

1. The Royal Commission found in [Pathways to Prison](#) through State-care: “Rates of imprisonment were especially high for survivors of abuse and neglect in care. Previous research has found that one in five, and sometimes as many as one in three, individuals who went through social welfare residences during the Inquiry period went on to serve a criminal custodial sentence later in life. This experience was worse for Māori survivors, who experienced disproportionate entries into social welfare residences and disproportionate entries into prison.”<sup>1</sup>
2. The Royal Commission also found in [Pathways to Gang Membership](#) through State-care: “Social welfare institutions played a significant role in gang formation. Many Māori survivors shared how their time in care introduced them to gangs and gang life. Joining was often in response to the violence, isolation and disconnection they experienced in care, including disconnection from their identity, culture, whānau, communities and society. Some survivors shared that joining gangs gave them a home, whānau, and a place to feel like they belonged and were safe.”<sup>2</sup>
3. A key finding from the Royal Commission was the correlation between abuse in care and subsequent criminal behaviour and imprisonment (care to prison pipeline) and gang affiliation<sup>3</sup>. A submission to the Royal Commission supported this finding (Arewa Ake te kaupapa)<sup>4</sup>.
4. Further, the Royal Commission recommended that survivors should not be unduly penalised for previous convictions, especially when such offences were a direct result of the abuse experienced while in care (rec 27 Whanaketia).
5. The Royal Commission advocated for a redress system that acknowledges this context, ensuring that all survivors, regardless of their subsequent life choices, have access to justice and support.

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<sup>1</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>2</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>3</sup> [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

<sup>4</sup> [Arewa-Ake-te-Kaupapa-Gang-Independent-Submission-.docx](#)



Appendix Two – Options for redress payments to offenders including associated costs and implications

	Option One - re-direction of any outstanding court-ordered reparations from redress payments to claimants’ victims <sup>1</sup>	Option Two – presumption against redress for serious offenders only applied to new claims <sup>2</sup>
Estimated numbers of impacted claimants		
Total claimants in first year	2,200	2,200
Offenders’ claims affected in first year	Unknown	110
Total claimants over four years	12,000	12,000
Offenders’ claims affected over four years	Unknown	600
Process steps		
Step One	All new claimants will be informed that any outstanding court-ordered reparations will be deducted from any redress payments. Claimants will be asked to consent to the redress agency checking with the Ministry of Justice whether the claimant has any such outstanding debts.	9(2)(f)(iv)
Step Two	Redress agencies to share claimants’ name with Ministry of Justice.  The Ministry of Justice would inform redress agencies whether claimant has any outstanding reparations debt and the value of that debt.	9(2)(f)(iv)
Step Three	Redress agency to re-calculate value of redress payment with debt deducted and make that payment to the claimant.	9(2)(f)(iv)
Step Four	Value of outstanding debt (where that is possible within the value of the redress payment) to be paid to the victim. Agencies roles and responsibilities yet to be worked through.	9(2)(f)(iv)

<sup>1</sup> Ministry of Justice advising on number of offenders with outstanding reparations owing and median value of those reparations. We have no information on the number of claimants who are offenders with outstanding court-ordered reparations owed. This would apply to all future claimants, not just serious sexual and violent offenders.

<sup>2</sup> These costings assume 5% of claimants are within the scope of a serious criminal conviction scheme that include offenders convicted of a serious sexual and/or violent offence and who received a sentence of more than 5 years. The exact number of claimants within the scope of the scheme is unknown as we do not have criminal conviction information for current or previous claimants, and we do not know what the conviction profile of future offenders is. The 5% is based on data from the Scottish and Australian schemes who operate similar models and work undertaken by MSD to informally identify high profile offenders with open claims in 2017. To note, between 1980 – 2024, of the 121,420 offenders over that period, 10,600 received a sentence of more than five years for a serious sexual and/or violent offence.

	Option One - re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims <sup>1</sup>	Option Two – presumption against redress for serious offenders only applied to new claims <sup>2</sup>
Operational costs (over four years)		
Costs of identifying whether a claimant is within the scope of the new regime	Will include justice sector costs associated with providing information on outstanding debts held by redress claimants to redress agencies. Agencies roles and responsibilities yet to be worked through but would likely require an information sharing agreement between redress agencies and the Ministry of Justice.	9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Redress agency resourcing implications	Costs will depend on the number of claimants with outstanding debts which is unknown and detailed design and implementation decisions that have yet to be taken.	9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Independent decision-maker • 9(2)(f)(iv) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	N/A	9(2)(f)(iv) [REDACTED] [REDACTED]
Litigation costs	N/A (claimant consent to gather relevant information would be sought and no discretionary decisions involved).	9(2)(h) [REDACTED] [REDACTED] [REDACTED]
Implications / considerations		
Legislation	Does not require legislative change.	9(2)(h) [REDACTED] [REDACTED]
Impact on survivors and wider public commentary	9(2)(g)(i) [REDACTED] [REDACTED]	[REDACTED] [REDACTED]

	Option One - re-direction of any outstanding court-ordered reparations from redress payments to claimants' victims <sup>1</sup>	Option Two – presumption against redress for serious offenders only applied to new claims <sup>2</sup>
		9(2)(h) [REDACTED]
Processing		9(2)(f)(iv) [REDACTED]
Survivors	<ul style="list-style-type: none"><li>All new claimants being required to agree to a check of whether they have outstanding reparation debts could be considered create potential confusion and uncertainty for some claimants about what debt is within scope and associated increased suspicion and anxiety.</li></ul>	<ul style="list-style-type: none"><li>9(2)(f)(iv) [REDACTED]</li><li>[REDACTED]</li><li>[REDACTED]</li></ul>
Legal and treaty implications	<ul style="list-style-type: none"><li>9(2)(h) [REDACTED]</li><li>[REDACTED]</li></ul>	<ul style="list-style-type: none"><li>9(2)(h) [REDACTED]</li><li>[REDACTED]</li><li>[REDACTED]</li></ul>

Proactive release - open and transparent Government

**Appendix Three – list of qualifying offences under Schedule 1AB of the Sentencing (Reinstating Three Strikes) Amendment Act 2024**

<b>Provision of Crimes Act 1961</b>	<b>Subject matter</b>
s 128B	Sexual violation
s 129(1)	Attempted sexual violation
s 129(2)	Assault with intent to commit sexual violation
s 129A(1)	Sexual connection with consent induced by threat
s 131(1)	Sexual connection with dependent family member under 18 years
s 131(2)	Attempted sexual connection with dependent family member under 18 years
s 132(1)	Sexual connection with child
s 132(2)	Attempted sexual connection with child
s 132(3)	Indecent act on child
s 134(1)	Sexual connection with young person
s 134(2)	Attempted sexual connection with young person
s 134(3)	Indecent act on young person
s 135	Indecent assault
s 138(1)	Exploitative sexual connection with person with significant impairment
s 138(2)	Attempted exploitative sexual connection with person with significant impairment
s 142A	Compelling indecent act with animal
s 144A	Sexual conduct with children and young people outside New Zealand
s 172	Murder
s 173	Attempted murder
s 174	Counselling or attempting to procure murder
s 175	Conspiracy to murder
s 177	Manslaughter

## IN-CONFIDENCE

Provision of Crimes Act 1961	Subject matter
s 188(1)	Wounding with intent to cause grievous bodily harm
s 188(2)	Wounding with intent to injure
s 189(1)	Injuring with intent to cause grievous bodily harm
s 189A	Strangulation or suffocation
s 191(1)	Aggravated wounding
s 191(2)	Aggravated injury
s 198(1)	Discharging firearm or doing dangerous act with intent to do grievous bodily harm
s 198(2)	Discharging firearm or doing dangerous act with intent to injure
s 198A(1)	Using firearm against law enforcement officer, etc
s 198A(2)	Using firearm with intent to resist arrest or detention
s 198B	Commission of crime with firearm
s 200(1)	Poisoning with intent to cause grievous bodily harm
s 201	Infecting with disease
s 208	Abduction for purposes of marriage or civil union or sexual connection
s 209	Kidnapping
s 232(1)	Aggravated burglary
s 234	Robbery
s 235	Aggravated robbery
s 236(1)	Causing grievous bodily harm with intent to rob, or assault with intent to rob in specified circumstances
s 236(2)	Assault with intent to rob



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Access to Redress for Survivors of Abuse in State Care with Convictions for Serious Violent and Sexual Offending

**Portfolio**                      **Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions**

On 5 May 2025, Cabinet:

- 1        **noted** that in April 2025, the Cabinet Social Outcomes Committee agreed an approach and parameters for delivering enhanced redress to survivors of abuse in care [SOU-25-MIN-0039];
- 2        **noted** that detailed implementation decisions were delegated to the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Lead Coordination Minister), Minister of Health, and Minister for Social Development and Employment, in consultation with other relevant Ministers [SOU-25-MIN-0039];
- 3        **noted** that the delegated Ministers, in consultation with the Minister of Justice, Attorney-General, and the Minister for Māori Development and Māori Crown Relations: Te Arawhiti, agreed that Cabinet direction is required on access to redress for some offenders;
- 4        **agreed** to introduce a presumption against making redress payments to new claimants who:
  - 4.1      make a claim for redress following redress announcements; and
  - 4.2      have been convicted of a qualifying offence under Schedule 1AB of the Sentencing Act 2002; and
  - 4.3      were sentenced to five years or more in prison for that offence;
- 5        **agreed** that the presumption against redress payments for serious offenders could only be overturned in circumstances where the making of a payment would not bring the redress system into disrepute;
- 6        **agreed** that the new regime would apply to serious sexual and/or violent offenders seeking redress from the Ministries of Education, Health, and Social Development, Oranga Tamariki - Ministry for Children, the Department of Corrections, and Te Puni Kōkiri;
- 7        **agreed** that the discretionary authority to award redress to serious offenders will be an independent decision-maker external to redress agencies;

- 8 **agreed** to establish the changes above in legislation in order to partly mitigate the significant legal risks associated with this regime;
- 9 **invited** the Lead Coordination Minister to issue drafting instructions giving effect to the decisions set out in the paper under CAB-25-SUB-0145;
- 10 **authorised** the Lead Coordination Minister, in consultation with the Ministers of Health, Education, and Social Development and Employment, to take further decisions on minor and technical matters as necessary, consistent with the policy in the paper under CAB-25-SUB-0145;
- 11 **noted** that the Lead Coordination Minister will seek Cabinet decisions on the following outstanding matters in June 2025:
- 11.1 the nature of the legal test to be applied as part of the exercise of the discretion;
  - 11.2 the information gathering and verification arrangements necessary to support the operation of the regime;
  - 11.3 the roles and responsibilities of the independent decision-maker; and
  - 11.4 any other policy decisions needed;
- 12 **agreed** to assign the Bill that will give effect to the decisions under CAB-25-MIN-0145 a category 4 priority in the 2025 Legislation Programme (to be passed by the end of 2025 if possible).

Rachel Hayward  
Secretary of the Cabinet